

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: PHILIPS RECALLED CPAP,  
BI-LEVEL PAP, AND  
MECHANICAL VENTILATOR  
PRODUCTS LITIGATION**

This document relates to: Consolidated Third  
Amended Class Action Complaint for  
Economic Losses (ECF No. 785)

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) Master Docket: Misc. No. 21-mc-1230-  
) JFC  
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) MDL No. 3014  
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**STIPULATION AND ORDER AMENDING BRIEFING SCHEDULE AND ORDER  
PRESERVING KONINKLIJKE PHILIPS N.V.’S JURISDICTIONAL DEFENSE**

This Stipulation and Order is entered into by and between Plaintiffs and Defendants Philips RS North America LLC, Philips North America LLC, Koninklijke Philips N.V. (“KPNV”), Philips Holding USA, Inc., and Philips RS North America Holding Corporation, and Defendants Polymer Technologies, Inc., and Polymer Molded Products LLC.

1. Plaintiffs and KPNV agree to rescind the Stipulation and Order Preserving Defendant KPNV’s Jurisdictional Defense (Docket No. 673; the “Jurisdictional Stipulation”), with the understanding that, consistent with, and pursuant to the terms of, the Jurisdictional Stipulation that has, to this point, been in effect, KPNV did not waive its personal jurisdiction defense by not previously seeking dismissal on personal jurisdiction grounds during the time the Jurisdictional Stipulation was in effect.

2. KPNV shall move to dismiss the Consolidated Third Amended Class Action Complaint for Economic Losses (the “Economic Loss Complaint”) for lack of personal jurisdiction on the deadline for Rule 12 motions, as set forth in Paragraph 3 below.

3. As contemplated by the parties’ agreed Scheduling Order Regarding Amended Master/Class Complaints, Answers, Motions to Dismiss, and Related Briefing (Docket No. 768),

Plaintiffs and all Defendants agree to a 15-day extension for all Defendants to answer or move to dismiss the Economic Loss Complaint. Accordingly, the deadline for Defendants to answer or move to dismiss the Economic Loss Complaint shall be extended from November 21, 2022 to December 6, 2022. The Parties have agreed to meet and confer and submit a joint request to the Court by November 22, 2022 as to reasonable page limits for motion to dismiss briefs, oppositions and replies.

4. Upon the filing of KPNV's motion to dismiss for lack of personal jurisdiction, the Parties shall meet and confer regarding jurisdictional discovery and any objections thereto by KPNV,<sup>1</sup> and a schedule for any opposition(s) and reply(ies). The Parties shall submit a status report concerning such matters to the Court by 12:00 pm ET on December 12, 2022, in advance of the December case management conference herein.

5. This Stipulation and Order moots Plaintiffs' September 20, 2022 motion to rescind the Jurisdictional Stipulation (Docket No. 753).

Dated: November 4, 2022

Respectfully submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.

Lisa C. Dykstra

**MORGAN, LEWIS & BOCKIUS LLP**

1701 Market Street

Philadelphia, PA 19103-2921

T 215.963.5000

john.lavelle@morganlewis.com

/s/ Steven A. Schwartz

Steven A. Schwartz

(steveschwartz@chimicles.com)

**CHIMICLES SCHWARTZ KRINER &**

**DONALDSON-SMITH**

361 Lancaster Avenue

Haverford, PA 19401

Telephone: (610) 642-8500

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<sup>1</sup> Plaintiffs' position is that KPNV's personal jurisdiction challenge will necessitate broad and additional discovery. KPNV's position is that after Plaintiffs have seen its motion to dismiss for lack of personal jurisdiction, the Parties should then meet-and-confer on the appropriate scope of jurisdictional discovery, with both Parties reserving their arguments on the scope of jurisdictional discovery until then.

Wendy West Feinstein  
**MORGAN, LEWIS & BOCKIUS LLP**  
One Oxford Center, 32nd Floor  
Pittsburgh, PA 15219-6401  
T 412.560.3300  
wendy.feinstein@morganlewis.com

*Counsel for Defendant Philips RS North America LLC*

/s/ Michael H. Steinberg  
Michael H. Steinberg  
**SULLIVAN & CROMWELL LLP**  
1888 Century Park East  
Los Angeles, CA 90067  
T (310) 712-6670  
steinbergm@sullcrom.com

Tracy Richelle High  
William B. Monahan  
**SULLIVAN & CROMWELL LLP**  
125 Broad Street  
New York, NY 10004  
T (212) 558-4000  
hight@sullcrom.com  
monahanw@sullcrom.com

*Counsel for Defendants Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA, Inc. and Philips RS North America Holding Corporation*

/s/ Eric Scott Thompson  
Eric Scott Thompson  
**FRANKLIN & PROKOPIK**  
500 Creek View Road, Ste. 502  
Newark, DE 19711  
302-594-9780  
ethompson@fandpnet.com

*Attorney for Defendant Polymer Technologies, Inc. and Polymer Molded Products LLC*

Sandra Duggan (sduggan@lfsblaw.com)  
**LEVIN SEDRAN & BERNAN**  
510 Walnut Street, Ste 500  
Philadelphia, PA 19106  
Telephone: (215) 592-1500

Kelly K. Iverson (kelly@lcllp.com)  
**LYNCH CARPENTER LLP**  
1133 Penn Avenue, 5th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 322-9243

Christopher A. Seeger (cseeger@seegerweiss.com)  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Telephone: (212) 584-0700

*Plaintiffs' Co-Lead Counsel*

DATED: November 9, 2022

IT IS SO ORDERED.

s/Joy Flowers Conti  
Joy Flowers Conti  
Senior United States District Judge